

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

FILED  
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DORIS P. MUNDO

Plaintiff,

v.

DELTA AIR LINES INCORPORATED  
Defendant.

CIVIL ACTION

NO: 03CV30311-KPN

**DEFENDANT DELTA AIR LINES, INC.'S MOTION FOR SUMMARY JUDGMENT,  
L.R. 7.1 CERTIFICATE AND REQUEST FOR HEARING**

Defendant Delta Air Lines, Inc. ("Delta" or "defendant") hereby moves this court pursuant to Fed. R. Civ. P. 56, for an order granting summary judgment in its favor and dismissing all claims against it on the grounds that no genuine issue of material fact exists as to the failure of the plaintiff to institute this litigation within the applicable limitations period. More specifically, there is no issue as to the undisputed fact that the plaintiff filed her claim for relief on December 29<sup>th</sup>, 2003, over two years and nine months after the events that give rise to her claim and more than one year and nine months after the applicable statute of limitations period, established by the law of Louisiana, had passed.

The grounds for the defendant's motion and its CONCISE STATEMENT OF UNDISPUTED FACTS pursuant to Local Rule 56.1, are set forth in, and attached to, the accompanying Memorandum in Support of its motion.

**LR 7.1 CERTIFICATE OF CONSULTATION**

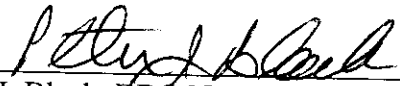
Counsel for Delta Air Lines, Inc., by filing this motion, hereby certifies that Peter J. Black and Jeanne A. Liddy, Esq., Counsel for the Plaintiff have conferred by telephone and have been unable to narrow the issues presented by this Motion.

**DEFENDANT'S REQUEST FOR HEARING**

The defendant respectfully requests the opportunity to be heard on this motion and submits that oral argument should not require more than thirty (30) minutes.

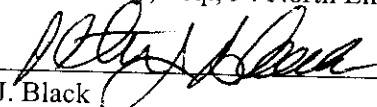
WHEREFORE, defendant Delta states that plaintiff failed to institute her claim within the applicable limitations period and the defendant therefore is entitled to summary judgment as a matter of law dismissing all claims made by her, with prejudice, and requests its motion for Summary Judgment be GRANTED.

Respectfully Submitted,  
DEFENDANT DELTA AIR LINES, INC.  
By its attorneys,

  
Peter J. Black, BBO No. 044407  
Meehan, Boyle, Black & Fitzgerald, P.C.  
Two Center Plaza - Suite 600  
Boston, MA 02108  
(617) 523-8300

**CERTIFICATE OF SERVICE**

I, Peter J. Black, counsel for the defendant Delta Air Lines, Inc. hereby certify that on the 26<sup>th</sup> day of October, 2004, I served the foregoing defendant Delta Air Lines, Inc.'s Motion for Summary Judgment, L.R. 7.1 Certificate and Request For Hearing, by mailing an exact copy thereof via first class mail, postage pre-paid, upon all counsel of record: Jeanne A. Liddy, Esq., 94 North Elm Street, Suite 207, Westfield, MA, 01085.

  
Peter J. Black